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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,063	07/13/2001	Jun Watanabe	450100-03345	3458
20999 7590 04/18/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER BOCCIO, VINCENT F	
			ART UNIT 2165	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/905,063	Applicant(s) WATANABE ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election dated 1/31/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2165

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

Election/Restrictions

1. Claims 7-10 have been cancelled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention identified as Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/31/07.

Claim Objections

2. Claim 12 is objected to because of the following informalities:

{A} Claim 12, line 4, recites, "of s first",
o the examiner suggest, "of a first".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshizumi Mano et al. (GB 2 2329 997).

Regarding claims 1, 4, 11, Mano discloses and meets associated with a method and corresponding apparatus, for recording and reproducing a video signal in a system capable of simultaneous recording (abstract, "simultaneously and instantaneous playback and/or concurrently playing ... a previous"), an image to a medium and reproducing the image, the apparatus/device comprising:

- recording video and identifying signals (recording);

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- reading by reproducing, video with respect to the ID signals, video re-arranged (page 9, lines 7-18 and page 10, lines 19-20, "edited, the viewer can replay selected portions", page 13, lines 24-26, segments Identified through address information, page 16, lines 6-);
- wherein, whether there exists a video signal under in the medium is checked and upon completion of the recording, signals recorded can be reproduced (met by a recording event, the current time is checked against stored end time of the recording event is checked, when the same the recording event is ended, see page 8, line 27-, "starting and ending times and the channel or source of the program");
- wherein upon completion of recording video signals can be reproduced, claim 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claim 2-3, 5-6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mano et al. (GB 2 2329 997).

Regarding claims 2 and 5, Mano discloses a recording event, but, fails to particularly disclose wherein the schedule timed event time is included in the identifying signals.

The examiner takes official notice that providing event times in a broadcasting signal are well known, thereby the identifying signals represent EPG data for future available programs (normally display to a user for selection of desired programming for viewing as well as recording).

The user can utilize EPG data to set events for recording, therefore, the times for commencing recording as well as ending the event are stored in view of the EPG data in the recording system to trigger recording of events, which can be provided in the broadcast, thereby providing EPG data, for users allowing for ease of programming events as is well known and obvious to those skilled in the art, therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Mano by extracting ID signals from the broadcast to obtain EPG data to be used to set or program events with start and end time ID data providing a simple way for users to set events, wherein the programmed times for events is compared with a local clock to trigger, starting and ending of event recording, using EPG data to program the events, as is well known in the art.

Claims 3 and 6 are analyzed and discussed with respect to the claims above, which is met by having event times set, utilizing the local clock to compare event times, to trigger recording and well as end recording based on event times, from EPG data, stored locally in comparison with local clock.

Regarding claim 12, the combination as applied fails to particularly disclose a broadcasting signal including Date, title and classification and wherein the system has an ID signal related to history indicating playback has not been performed yet.

The examiner takes official notice that EPG data can include information such as Date and title and also systems can track or provide means to identify if a recording has been played, these systems are also known for automatic event setting and having memory management issues, the identifying when playback, allows for change of status to viewed, allowing for setting that played program space for use by a new program, as is well known.

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Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by having EPG data including date and title and even classification in order to provide identification of programs to users, date and title and to keep track is viewed programs, thereby maintaining a status of viewed to utilize the program space for new programs, as is well known in the art.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent
4/16/07


VINCENT BOCCIO
PRIMARY EXAMINER